

Part Four Development Assessment Requirements



City of Maitland
Conservation and Design Guidelines

PART FOUR - Requirements for Development Applications

Part Four of this Plan outlines when a development application is required, and what information must accompany development application for particular proposals.

4.1 When is a Development Application Required?

Council should be consulted before carrying out any changes to buildings or sites which:

- i) are listed as heritage items;
- ii) are in a Conservation Area; or
- iii) are in the vicinity of heritage items or Conservation Areas.

- Does my particular proposal require a Development Application?

Development applications will generally be required for proposals which:

- i. potentially impact upon the heritage significance of a heritage item; or
- ii. involve development or use of a component of a Conservation Area which has the potential, in the opinion of Council, to adversely affect that component and/or the character of the Conservation Area.

Maitland Local Environmental Plan (LEP) 1993 specifies the circumstances in which a development application is required. Relevant extracts from the LEP are attached as Appendix 1.

More detailed information regarding Development Applications is provided in this Part for the following categories of development:

- Subdivision
- Minor Additions and Alterations
- Major Additions and Alterations

- ❖ Development in the vicinity of a Heritage Item, Conservation Area, Archaeological Site or Potential Archaeological Site
- ❖ Change of Use
- ❖ Development of a site containing Archaeological Relics or with known Archaeological potential
- ❖ Demolition
- ❖ New Development in a Conservation Area
- ❖ New or Replacement Signage

Applicants should refer to the more detailed information provided for these development categories set out below to determine whether or not a particular proposal requires development consent or some other form of approval from Council.

Requirements are different for listed heritage items, and for components of a Conservation Area which are not listed heritage items.

4.1 When is a Development Application Required? Cont'd...

The **Development Application Requirements** for each development category refer to supporting information and documentation which may be required with a development application. One or more of these requirements may apply to your application, and it is therefore necessary that you discuss the requirements and reports relevant to your proposal with Council **before** they are prepared or commissioned.

The content and range of issues to be addressed in the various documents will depend on the heritage significance of the site and the impact the proposed development is likely to have.

Sections 4.2 to 4.10.2 of these guidelines contains details about the range of matters that the documents may contain. **Pre-application consultation** with Council staff will establish what is a reasonable level of supporting information for individual cases.

As a general rule, the greater the significance of the item or the potential impacts of the proposal, the more detail should be provided.

NB: In some cases Council may require **additional** information to that listed for the relevant category of development, depending on the circumstances of the case. Again, it is suggested that you consult with Council staff early in the process, so that relevant requirements can be determined.

- *Do I need a Consultant?*

For simple development proposals documentation can be prepared by the building owner or manager. Assistance can be sought from Council staff, including Council's Heritage Officer and/or the Heritage Office where necessary. Statements of Heritage Impact for heritage items and/or preparation of development applications for complex proposals, or those which are likely to have a major impact on the heritage significance of an item or a Conservation Area, will usually require the assistance of a suitably qualified consultant who has experience in Heritage Conservation matters.

The use of specialist consultants who are suitably qualified and experienced in heritage matters can significantly reduce the amount of time taken in both the preparation of the development application and its assessment by Council. These time savings can far outweigh the initial cost of their services.

Council and the Heritage Office can provide a list of consultants practicing in heritage related fields.

4.2 Subdivision

The appearance of a locality, and the nature of development that has traditionally occurred in it, is often linked to the subdivision pattern – to the size and shape of the lots, the width of streets and footpaths, and the building and landscaping opportunities that these patterns have allowed or encouraged.

The subdivision pattern itself can be a reflection of the history of the area – of what sort of people lived there, what kind of community it was, whether it was poor or affluent, rural or urban.

To retain these physical indicators of the history of a locality, therefore, subdivision proposals in Conservation Areas, or on land in the vicinity of or on which a heritage item is situated, require careful consideration. It should be noted that, for the purposes of these Guidelines, the definition of subdivision includes amalgamation or consolidation of lots.

Development applications are required for the matters listed below, and applications must be accompanied by the information specified.

Conservation Areas

A development application is required for any subdivision of land in a Conservation Area. However, the following matters are usually considered to be of a minor nature and unlikely to adversely affect heritage significance. A development application will therefore generally not be required for:

Minor boundary adjustments between existing lots:

- a) which do not result in any building contravening the deemed to satisfy provisions of the Building Code of Australia; and
 - b) will not create any additional allotments; and
- will not change the area of any allotment by more than 10%.

Development Application Requirements

Development applications for subdivision in a Conservation Area will generally require the following information to be submitted. Council staff can advise whether or not this information is required with particular applications:

- adequate plans, showing the building envelopes, siting and setbacks of proposed buildings on the lots to be created, that demonstrate to Council's satisfaction that:**
 - the proposal will not substantially alter the density of development such that the character and heritage significance of the Conservation Area is adversely affected;
 - the allotment and building spacing, ie frontage widths, side and front boundary setbacks, are typical of surrounding development such that:
 - the rhythm of buildings in the Conservation Area is maintained;
 - so that vistas and views to and of any heritage items in the vicinity, especially the principal elevations of buildings, are not interrupted or obscured;
 - so that the landscape quality of the Conservation Area streetscape is retained;
 - the scale and form of proposed new development will not detract from the significant and dominant heritage elements of the Conservation Area's streetscape;
 - the details of required works and services, such as design and materials for kerbing and guttering, access crossings and the like are consistent with original elements of the Conservation Area;

***Development Application Requirements
Cont'd...***

- the subdivision will not require demolition of existing building stock or re-arranged vehicular access or car parking (on or off the site of the proposal) that would adversely affect the streetscape of the Conservation Area.

other specialist reports, where relevant (e.g. archaeologist, historian).

Heritage Items and land in the vicinity of Heritage Items

A development application is required for any subdivision of land in the vicinity of or on which a heritage item is situated.

Development Application Requirements

Development applications for subdivision in the vicinity of a heritage item, or on land on which a heritage item is situated will generally require the following information to be submitted. Council staff can advise on whether or not this information is required with particular applications:

- a **Statement of Heritage Impact** accompanied by adequate plans, showing the building envelopes, siting and setbacks of proposed buildings on the lots to be created, and demonstrating to Council's satisfaction that:
 - the significance of the item will not be compromised by the subdivision or future development that may occur as a result of the subdivision proceeding;
 - the allotment and building spacing, ie., frontage widths, side and front and rear boundary setbacks, will preserve vistas and views to and of the item, especially the principal elevations of the building(s);
 - that the setting of the heritage item and a satisfactory curtilage, including important garden and landscape elements, is retained
 - the scale and form of proposed new construction or buildings on the lots to be created will be compatible with and will not detract from the significant and dominant heritage elements of the item;
 - the subdivision will not require re-arranged vehicular access or car parking (on or off the site of the proposal) that would adversely affect the heritage significance of the time, particularly the principal elevations;

***Development Application Requirements
Cont'd...***

☐ Character Assessment

For minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a Conservation Area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a **Character Assessment**, which may be prepared by the owner/applicant, addressing the questions set out in Section 4.12.2 will be required

- an **Archival and Photographic Record** of the setting of the item may be required if its context is substantially altered by the proposed subdivision and likely future development;
- a **Conservation Management Plan** may be required for extensive and complex proposals;
- an **Archaeological Assessment** may be required if the site contains archaeological relics or has known archaeological potential;
- **other specialist reports**, where relevant (eg. archaeologist, historian).

4.3 Minor Additions and Alterations Not Requiring Consent

The following matters are usually considered to be of a minor nature and unlikely to adversely affect heritage significance. A development application will usually not be required.

4.3.1 Conservation Areas

Maitland Council has a Draft Exempt and Complying Development Control Plan which, in regard to Conservation Areas explains what type of development, known as "Exempt" development is considered to have minor environmental impact and will not require local planning approval.

Exempt development is considered to be that related to a permissible use, where the maximum area for such structures as exempt development does exceed 24 metres on each allotment. Exempt Development does not apply to identified Heritage Items

The following types of development are considered to be exempt:

- Barbecues
- Clothes lines
- Cubby houses
- Garden Sheds
- Residential Shade Structure
- Privacy Screens
- Letter Boxes

4.3.2 Essential Maintenance

Council may waive the requirements for a development application where works can be demonstrated to be essential maintenance only. For the purposes of this Plan:

- i. "essential maintenance" includes works required to be undertaken because of structural inadequacy or concerns about public safety but not extending to major or extensive change or to the total demolition of any structure;
- ii. reconstruction approved as part of "essential maintenance" shall be limited to the form of the existing structure or to a known earlier form in accordance with the definition of "reconstruction" contained in this Plan.

4.4 Major Additions and Alterations

Major additions and alterations are those proposals which have the potential to significantly affect the heritage significance of an item or the character of a Conservation Area. These changes therefore require submission of a development application with sufficient supporting information to allow full and proper assessment of potential impacts.

4.4.1 Conservation Areas

Major additions and alterations to a building or work in a Conservation Area which may require development consent include, but are not limited to:

- verandah enclosures visible from the street or other public vantage point;
- additional windows and doors and changes to existing windows and doors;
- re-instatement of verandahs and chimneys;
- extensions to buildings which are visible from the street or other public vantage point;
- raising of existing buildings to reduce the impact of flooding;
- erection of new carports and garages, including those with access from a side or rear lane;
- removal of features or decorative elements contributing to the significance of the building or work, or the Conservation Area;
- roof and wall re-cladding involving a change of materials;
- rendering of brickwork or painting of previously unpainted surfaces;
- skylights or other structures, such as solar panels, ventilators, satellite dishes and the like, attached to the exterior or roof and visible from the street or public vantage points adjoining the site;
- any non-structural external alterations (including painting, rendering, cladding, sand blasting and the like) which do not generally comply with the Guidelines contained in Part 1 of this DCP.

Development Application Requirements

Major additions or alterations to a component of a Conservation Area will generally require the following to be submitted with a development application. Council staff can advise whether or not all of this information is required with particular applications:

a Statement of Heritage Impact

- detailing the heritage significance of the component and its contribution to the Conservation Area;
- explaining the extent and nature of the work and describing the context of the component (ie. what is around it, what and where are the neighbouring buildings or other features of the locality, and how the component to be altered relates to them). The statement must describe the impact of the proposed alteration on the streetscape and neighbouring properties;
- Detailing the measures taken to minimise impact on the heritage significance of the Conservation Area;
- Providing the reasons for the proposed alterations or additions ie., extensions, for redevelopment of the site, for restoration of the component to its former or original state;
- Explaining why the proposal cannot be located within an existing structure;
- Detailing the proposed future use of the site if the use is changing;

***Development Application Requirements
Cont'd...***

Character Assessment

For minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a Conservation Area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a **Character Assessment**, which may be prepared by the owner/applicant, addressing the questions set out in Section 4.12.2 will be required

- A site plan**, drawn to scale and showing the location of the building or work to be altered and adjoining buildings;

- Plans, sections and elevations** drawn to scale, showing the extent of the proposed works by colouring or hatching. These drawings should show how the alterations or additions will affect existing buildings, structures and features, and must include a schedule of external finishes, materials and colours;

- Other specialist reports**, where relevant (eg. By an archaeologist, historian).

4.4.2 Heritage Items

Major additions and alterations to a heritage item which require development consent include, but are not limited to, **all of the matters listed in "Conservation Areas" above**, and the following additional matters:

- all extensions, whether visible from the street or not;
- roof re-cladding;
- front fences;
- swimming pools and tennis courts;
- pergolas and garden structures requiring a construction certificate or activity application;
- demolition of any existing subsidiary structures such as garages, carports, original garden sheds and the like;
- replacement of existing garages and carports;
- all structural and non-structural alterations to the outside of the item (this includes painting, rendering, cladding, sand blasting and the like);
- major alterations to gardens which require removal of significant vegetation, introduction of new structures, changes of level, retaining walls and the like;
- internal alterations to an item of State or regional significance.

Development Application Requirements

Major alterations and additions to a heritage item will generally require the following to be submitted with a development application. Council staff can advise whether or not all of this information is required with particular applications:

- a Statement of Heritage Impact**
 - detailing the heritage significance of the item;
 - explaining the extent and nature of the work and describing how the impact of the additions or alterations on the heritage significance of the item is to be minimised;
 - describing what measures have been taken to ensure that the additions or alterations are sympathetic to the item in terms of design;
 - describing what measures have been taken to ensure that the additions or alterations will not visually dominate the item;
 - providing the reasons for the proposed alterations or additions (eg extensions, for redevelopment of the site, for restoration of the component to its former or original state);
 - explaining why the proposal/additional area cannot be located within an existing structure;
 - detailing the proposed future use of the site if the use is changing;
- an Engineering Assessment** where it is asserted that the alterations and additions are required because part or all of the item is beyond repair or unstable;
- a Schedule of Work** listing the proposed work to the item and cross-referenced to appropriate drawings, including a schedule of external finishes, materials and colours. In the case of an item of State or regional significance, the Schedule of Works must detail all internal alterations;

***Development Application Requirements
Cont'd...***

- an Archival and Photographic Record** may be required for the part or parts of the item to be altered
- early photographs or drawings**, where available, particularly where the intention of the alterations or additions is to return the item to its former or original state;
- a Conservation Management Plan** may be required for extensive and complex proposals;
- an Archaeological Assessment** may be required if the site contains archaeological relics or has known archaeological potential;
- other specialist reports**, where relevant (eg. historian).

4.5 Development in the Vicinity of a Heritage Item, Conservation Area, Archaeological Site or Potential Archaeological Site

Clause 37 of Maitland LEP 1993 requires that Council take into consideration the likely effect of proposed developments on the heritage significance of a heritage item, Conservation Area, archaeological site or potential archaeological site when determining a development application on land in its vicinity.

Development Application Requirements

Applications for development in the vicinity of a heritage item, Conservation Area, archaeological site or potential archaeological site will generally require submission of the following additional information to allow Council to properly assess potential impacts. Council staff can advise if this information is required with particular applications:

- a Statement of Heritage Impact** accompanied by adequate plans, specifications and drawings to demonstrate to Council:
 - that the application has been prepared having regard to the heritage significance of the item, Conservation Area or site;
 - the likely impact on heritage significance of the item, Conservation Area or site, and the measures taken to minimise impact on that significance;
 - the necessity for the particular proposal to occur in the vicinity of the item, Conservation Area or site;
 - the measures taken to protect the setting and context of the item, Conservation Area or site (e.g. a natural or rural setting which defines the edge of a Conservation Area and/or contributes to its significance or helps describe its growth and development);
 - the impact on views to and from the item, Conservation Area or site, and measures taken to minimise negative effects;
 - the likely impact on historic subdivision patterns, density, rhythm or other detail important to the curtilage or setting of the item, Conservation Area or site;

Character Assessment

For minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a Conservation Area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a **Character Assessment**, which may be prepared by the owner/applicant, addressing the questions set out in Section 4.12.2 will be required

- other specialist reports**, where necessary (e.g. archaeologist, historian).

4.6 Development of a Site Containing Archaeological Relics or with Known Archaeological Potential

Heritage Items and Conservation Areas

Any proposal which will disturb the surface of an Archaeological Site or Potential Archaeological Site will generally require submission of a development application. Disturbance of a site can include clearing of vegetation, resurfacing or paving, construction of pathways and the like if such work involves disturbance of surface and/or below ground deposits. Council must consult with the Heritage Office when considering development applications for sites having non-Aboriginal heritage significance and the Director-General of National Parks and Wildlife for sites having Aboriginal heritage significance (see Clause 36 of Maitland LEP 1993). Consents and permits may be required from National Parks and Wildlife and the Heritage Council in addition to or in conjunction with any development consent granted by Council.

Development Application Requirements

Development applications for work affecting an Archaeological Site or Potential Archaeological Site will generally require the following information to be submitted. Council staff can advise on whether this information is required with particular applications:

- an Archaeological Assessment** which:
 - evaluates the probable extent, nature and integrity of the archaeological resource at the site;
 - determines the significance of the resource;
 - describes appropriate management solutions for the resource having regard to statutory requirements, the significance of the resource, the particular development proposal and its likely impact on the resource;
 - defines the necessity for other permits or approvals required under the Heritage Act 1977, National Parks and Wildlife Act, 1974, or other relevant legislation;
- an Archival and Photographic Record** may be required in some cases;
- a Conservation Management Plan** may be required for extensive and complex proposals;
- other specialist reports**, where relevant (e.g. historian).

N.B. Archaeological Assessments will differ significantly in terms of level of investigation, amount of information required and management solutions recommended depending upon the circumstances and nature of particular sites. Council staff, NPWS and the Heritage Office can provide assistance in this regard.

4.7 Change of Use

Conservation Areas and Heritage Items

Any change of use of a building or place which is a heritage item or is in a Conservation Area requires submission of a development application.

Change of building use means change of one class of building to another as recognised by the Building Code of Australia.

The existing use of a building may contribute to its significance. This will be taken into account by Council when considering applications.

It is important, particularly where the building is a listed heritage item, that proposed uses/functions are sympathetic and appropriate having regard to the design of the building, its original use and purpose. The nature of any physical changes to the fabric required as a result of the change of use must be taken into consideration.

Changes to the curtilage of the building, such as for required parking areas, loading areas, signs, security fences and the like, can also have an impact on the significance of a heritage item or a Conservation Area.

Development Application Requirements

A development application for the change of use of a building will generally require submission of the following information:

a Statement of Heritage Impact

- describing the current use of the building and including a statement as to whether this use contributes to the to the significance of the item or Conservation Area;
- explaining the need for the change of use;
- describing any changes to the fabric of the item or component of a Conservation Area required as a result of the change of use;
- describing any changes to the site (ie parking, access or the like) required as a result of the change of use.

Character Assessment

For minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a Conservation Area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a **Character Assessment**, which may be prepared by the owner/applicant, addressing the questions set out in Section 4.12.2 will be required

Where a proposal involves changes to building fabric or the site, additional information listed in *Major Additions and Alterations* may also be required.

4.8 Demolition

4.8.1 Conservation Areas

Demolition of components of Conservation Areas can significantly affect the appearance of local streets and, over time, change those attributes which give each area its own special character. Components of a Conservation Area, while not individually listed items, can have a collective significance. Loss of any one of them can erode the significance of the Conservation Area as a whole.

More information about each of the Conservation Areas and the features that make them unique are contained in **Part 2** of this Plan.

A development application is generally required for partial or total demolition of any building or work in a Conservation Area.

However, the following matters are usually considered to be of a minor nature and are unlikely to adversely affect heritage significance. Development Applications may not be necessary for:

- Demolition of modern garden sheds and other modern ancillary structures.

Prior to any demolition work commencing you must consult with Council.

Development Application Requirements

Partial or total demolition of a component of a Conservation area may require the following to be submitted with a development application. Staff in Council's Planning and Environment Group can advise on whether or not this information is required.

A Statement of Heritage Impact

- Detailing the heritage significance of the component and its contribution to the Conservation Area;
- Providing evidence that all options for retention and adaptive re-use have been explored;
- Explaining the extent and nature of the demolition and describing the context of the component (ie what is around it, what and where are the neighbouring buildings or other features of the locality, and how the component to be demolished relates to them). The statement must describe the impact of the proposed demolition on the streetscape and neighbouring properties;
- Providing the reasons for the proposed demolition (ie to allow for extensions, for redevelopment of the site, for restoration of the component to its former or original state);
- Explaining why the demolition is necessary to achieve the long term plans for the site;
- Detailing the proposed future use of the site if the use is changing;

Development Application Requirements Cont'd...

Character Assessment

For minor proposals which, in the opinion of Council, will have only minimal or no impact on the heritage significance of an item or component of a Conservation Area, a full Statement of Heritage Impact as described above will not necessarily be required. However, a **Character Assessment**, which may be prepared by the owner/applicant, addressing the questions set out in Section 4.12.2 will be required

A Development Consent for the future use and development of the site may be required **prior** to approval of an application for total demolition of a component of Conservation Area;

if total demolition is proposed, preparation of a full **Archival and Photographic Record** of the existing building and grounds may be required;

a **site plan**, drawn to scale and showing the location of the building or work to be demolished, or the part to be demolished, and any adjoining buildings;

an **Engineering Assessment** prepared by a Structural Engineer specialising in heritage related work ,where it is asserted that the structural condition of the building or work to be demolished, or the part to be demolished, is beyond repair or unstable;

if partial demolition is proposed, **plans, sections and elevations** drawn to scale, showing the extent of demolition by colouring or hatching. These drawings should show how the partial demolition will affect existing buildings, structures and features. A partial **Archival and Photographic Record** may also be required;

other consultant's reports where necessary (e.g. historian, archaeologist);

Special Provisions for Commercial Zones, Commercial Buildings, Industrial Buildings in a Conservation Area, and the Regent Street and Bourke Street Precincts. These areas are particularly sensitive, and demolition without adequate justification is unlikely to be approved. Many older buildings can be restored and adapted to new uses in a cost-effective and sensitive manner. While it may appear easier to applicants/owners in some cases to demolish older buildings and erect new/purpose built structures, this in itself is unlikely to adequate justification for demolition of buildings in these areas. A development consent for the proposed new/replacement development may be required prior to consent being granted for demolition.

4.8.2 Heritage Items

A development application is required for demolition, in whole or in part, of any buildings, works or horticultural features of a heritage item.

Development Application Requirements

Proposals for demolition of listed heritage items require a detailed investigation based on a full understanding of the significance of the item and the impact that the partial or total demolition will have. More detailed information must therefore accompany such development applications. Depending upon the nature of the item, the extent of the demolition and the reason for the demolition, the required information may include:

- a Statement of Heritage Impact**
 - detailing the heritage significance of the item;
 - providing evidence that all options for retention and adaptive re-use have been explored;
 - explaining the extent and nature of the demolition and its impact on the heritage significance of the item;
 - if partial demolition, explaining why this is necessary for the heritage item to function;
 - explaining why all of the significant elements of the item cannot be kept and any new development located elsewhere on the site;
 - describing the context of the item (ie what is around it, what and where are the neighbouring buildings or other features of the locality, and how the item to be demolished relates to them);
 - providing the reasons for the proposed demolition (ie to allow for extensions, for redevelopment of the site, for restoration of the item to its former or original state);
 - explaining why the demolition is necessary to achieve the long term plans for the site. Can demolition be postponed in case future circumstances make retention and conservation more feasible?;

Development Application Requirements Cont'd...

- if it is proposed to change the use of the item, or if the item is to be totally demolished, a detailed description of the proposed future use/development of the site will be required;
- an approved development application** for the future use and development of the site will be required **prior** to approval of an application for total demolition;
- an Engineering Assessment** prepared by a Structural Engineer specialising in heritage related work ,where it is asserted that the structural condition of the building or work to be demolished, or the part to be demolished, is beyond repair or unstable;
- if partial demolition, **plans, sections and elevations** drawn to scale, showing the extent of demolition by colouring or hatching in accordance with standard architectural and technical drawing practice. These drawings should show how the partial demolition will affect existing buildings, structures and features;
- a full **Archival and Photographic record** of the item, or the parts of the item to be demolished, clearly identifying any known previous alterations, may be required;
- early photographs or drawings**, where available, particularly where it is asserted that the item has been significantly altered previously, such that its significance is diminished, or where total demolition is proposed;
- a **Conservation Management Plan** may be required for extensive and complex proposals;
- an Archaeological Assessment** may be required if the site contains archaeological relics or has known archaeological potential.

All applications for demolition of heritage items of State or Regional significance must be referred to the Heritage Council and any comments received within 28 days of being notified must be taken into account in the determination of the application.

4.9 New Development in a Conservation Area

A development application will generally be required for all new development in a Conservation Area.

When preparing development proposals, applicants should have regard to the Character Statement and Conservation Design Issues and Policies contained in Part 2 of this DCP for the relevant Conservation Area. Proposals must be based on an understanding of the area involved and its heritage significance, and demonstrate how that significance is being respected, or impacts upon it are to be minimised.

Parts 1 and 2 of this DCP provide guidelines for conservation and issues to be considered in each of the Conservation Areas. These must be taken into consideration in preparing proposals.

Development Application Requirements

Development applications for new development in a Conservation Area will generally require the following information to be submitted. Council staff can advise on whether this information is required with particular applications:

- a Statement of Heritage Impact** accompanied by **adequate plans, specifications and drawings** to demonstrate to Council's satisfaction:
 - the impact that the proposed development would have on the heritage significance of the Conservation Area;
 - the measures proposed to conserve the significance of the Conservation Area and its setting;
 - why the development needs to occur in the Conservation Area;
 - the compatibility of the proposed development with nearby original buildings and the character of the Conservation Area including consideration of the size, form, scale, orientation, setbacks, materials and detailing of the proposed development;
 - compliance with the guidelines for new and infill development contained in Part 1 of this DCP and/or explaining and justifying any significant departure from those guidelines;
 - a description of the impact of the new development on any heritage items in the vicinity, including impact on curtilage of an item, and views to or from an item;
 - which design elements characteristic of the particular Conservation Area have been incorporated in the design, if any;
- a site plan**, drawn to scale and showing the location of the building or work to be altered and adjoining buildings;

***Development Application Requirements
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- plans, sections and elevations** drawn to scale, showing the relationship between the new development and surrounding developments in terms of the design guidelines contained in Part 1 of this DCP (eg size and scale, roof forms and shapes). These drawings must include a schedule of external finishes, materials and colours;
- an Archaeological Assessment** may be required if the site contains archaeological relics or has known archaeological potential.
- other specialist reports**, where necessary (e.g. archaeologist, historian).

4.10 New or Replacement Signage

4.10.1 Conservation Areas

A development application will generally be required for all new and replacement signage in a Conservation Area, other than temporary signs such as those relating to the sale or lease of the place or premises to which they are affixed. Signs in Conservation Areas should not detract from the character or heritage significance of the area. Part 3.26 of this DCP provides guidelines for appropriate signage. Signs should be considered as part of the buildings and streetscapes on which they are found.

Development Application Requirements

Applications for new or replacement signage in a Conservation Area will generally require submission of the following information. Council staff can advise on whether or not this information is required with particular applications.

adequate plans, specifications, drawings and supporting documentation to demonstrate to Council's satisfaction that:

- the impact of the signage on the heritage significance of the Conservation Area and its streetscape has been considered and minimised;
- alternatives have been considered, and that the proposal is generally in accordance with the guidelines for signage contained in Part 1 of this DCP;
- the signage is necessary for the proper functioning of the particular premises and its approved uses;
- any unnecessary, redundant or inappropriate signage will be removed;
- the need for illumination has been carefully considered and justified, and where possible signs are to be remotely rather than internally illuminated.

4.10.2 Heritage Items

All new or replacement signage on a heritage item or its curtilage, other than Real Estate signs relating to the sale or lease of the place or premises to which they are affixed, will require submission of a development application. The guidelines relating to signage contained in Part 3.26 of this DCP must be taken into account when preparing applications.

Original/existing signage must not be removed, repainted or covered without a development approval or prior consultation and approval in writing from Council staff. These signs may themselves have a connection with an important use of the item and therefore be part of the significance of the item. Existing signs may have a heritage value of their own which should be retained.

Signs should be considered as part of the buildings and streetscapes on which they are found.

Development Application Requirements

- a **Statement of Heritage Impact** accompanied by **adequate plans, specifications and drawings** to demonstrate to Council's satisfaction that:
 - the impact of the signage on the heritage significance of the item has been considered and minimised;
 - the signage will not visually dominate the item;
 - the proposal is generally in accordance with the guidelines for signage contained in Part 1 of this DCP;
 - if the proposal is not in accordance with the guidelines, alternatives have been considered, and the reasons for their rejection provided;
 - the signage is necessary for the proper functioning of the particular premises and its approved uses;
 - any unnecessary, redundant or inappropriate signage will be removed;
 - the need for illumination has been carefully considered and justified, and where possible signs are to be remotely rather than internally illuminated;
- signage may form part of a **Conservation Management Plan** for large or complex proposals, such as multiple commercial use of an item;
- early photographs or drawings**, where available, particularly where it is proposed to replicate original signage.

4.11 Conservation Incentives

Maitland LEP 1993 provides certain incentives for use and development of a building that is a heritage item or is located in a Conservation Area. Council recognises that sympathetic development and on-going maintenance of heritage properties can be expensive, and can sometimes impose an unreasonable cost burden on property owners. The incentives allow:

- (a) the use, for any purpose, of a building, work of place that is a heritage item or which is subject to a conservation instrument;
- (b) the use, for any purpose, of a building, work of place that is within a heritage conservation area;
- (c) in the case of a heritage item or item subject to a conservation instrument which is a building or work, the use, for any purpose, of land:
 - (i) on which the building or work is situated; or
 - (ii) adjoining the land on which the building or work is situated, if it is satisfied that:
- (d) the proposed use would have little or no adverse impact on the amenity of the area; and
- (e) the conservation of the heritage item, building, work or place within a heritage conservation area or item subject to a conservation instrument depends on the Council granting that consent.

When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item or an item subject to a conservation instrument, the Council may:

- (a) for the purpose of determining the floor space ratio; and
- (b) for the purpose of determining the number of parking spaces to be provided on the site.

Exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the Council is satisfied that the conservation of the building depends upon the Council making that exclusion.

4.12 Statements of Heritage Impact

A Statement of Heritage Impact (SOHI) may be required to support any development application for works affecting a heritage item or Conservation Area, or for works in the vicinity of an item or Conservation Area. Applicants must determine, from the relevant Requirements for Development Applications section, and through pre-application consultation with Council staff, whether a SOHI is required for a particular proposal, and what it should address and contain.

The Heritage Council requires that every proposal referred to it is accompanied by a SOHI. Applications requiring referral to the Heritage Council include, but are not limited to applications for demolition of an item of Stage or Regional Significance.

A SOHI analyses the impact that proposed works will have on a heritage item or Conservation Area. It is usually prepared with reference to a Statement of Heritage Significance. The SOHI will often form part of the Statement of Environmental Effects usually required for a development application. It needs to be supported by sufficient information to allow Council to make an informed decision about the impact of the proposal.

Together with supporting information it addresses:

- why the item or area is of heritage significance;
- what impact the proposed works will have on that significance;
- what measures are proposed to mitigate negative impacts;
- the range of solutions considered and evaluated, and why more sympathetic solutions are not viable.

The amount of information and level of detail required will depend upon the significance of the building, work or place the subject of the application, and the nature and extent of the work proposed.

For simple or minor applications, the SOHI may be able to be prepared by the owner or manager of the property. However, for listed items or for complex or major applications, a suitably qualified consultant, experienced in heritage related matters, will generally be required to prepare the SOHI.

Examples of Statements of Heritage Impact may be inspected at Council's office, and the NSW Heritage Manual contains more detailed information regarding Statements and their preparation.

Preparing a Statement of Heritage Impact

Generally the process to be followed in preparing a SOHI reflects the above mentioned points:

- 1) The SOHI first considers the heritage significance of the item, building, work or place that the application relates to. This significance should be described in a Statement of Heritage Significance. In simple terms this is a set of statements explaining what it is about the building or area that makes it significant. In the case of a component of a Conservation Area, the contribution that the building, work or place makes to that area must be described, as well as any individual significance it may have in its own right. In some cases there will already be a Statement of Heritage Significance, especially for listed heritage items.
- 2) The SOHI then describes in detail the work proposed. The work must be described in relation to its impact on the things that make the item, building, work or place significant. The reasons or necessity for undertaking the work need to be explained. A conclusion must be reached about the positive or negative impact the proposed work will have on the stated significance.

- 3) The SOHI must next describe the measures proposed to mitigate impacts (ie the philosophy and design of the works, the materials, finishes and colours to be used, or any other aspect of the work that has specifically taken aspects of heritage significance into account).
- 4) The SOHI must finally describe the range of options or solutions considered when designing and planning the work. Where more sympathetic solutions have been considered and rejected, adequate justification must be provided.
- 5) The SOHI should refer to relevant reference documents and policies such as the Burra Charter, any existing documentation regarding the significance or status of the site, and any relevant Council Development Control Plans.

4.12.1 Suggested Format for Statements of Heritage Impact

The following suggested format is based on the model contained in the publication "Statements of Heritage Impact" produced by the Heritage Office and the Department of Urban Affairs and Planning. More information is available in that publication.

Statement of Heritage Impact for:

(Name of heritage item, component of a Conservation Area or site in the vicinity of an item or Conservation Area to which the development application relates.)

This Statement forms part of the Statement of Environmental Effects for:

(Brief description of the proposal.)

Date:

Reference:

(Any reference number available from LEP register or other register for the item or Conservation Area concerned.)

Address and property description:

(of the subject site.)

Prepared by:

(Name, address, telephone and fax numbers of author.)

For:

(Name of client or owner, where not the author.)

Statement of Heritage Significance:

(A statement or statements about what it is that makes the item, component of a Conservation Area and/or Conservation Area itself significant. The Statement should refer to any existing documentation regarding the site and its status or significance.)

Detailed description of proposed works and their likely impact on Heritage Significance:

(A detailed explanation of the works to be undertaken and why they are necessary.)

The following aspects of the proposal respect or enhance the heritage significance of the item or Conservation Area for the following reasons:

(List of relevant proposals and any other existing or proposed works ie implementation of maintenance plans, archival and photographic recordings.)

The following aspects of the proposal could detrimentally impact on heritage significance:

(List the things that make the site significant, the way those things will be impacted by the work proposed, the reasons that the work is necessary, and the steps will be taken to minimise any impact. Consider addressing significance under each of the four criteria used to define heritage significance ie historical, aesthetic, social and technical/research potential.)

The following sympathetic solutions have been considered and discounted for the following reasons:

(List alternative solutions, especially any contained in a Conservation Management Plan or other study, and clearly justify why these have been rejected.)

The following conclusions are made about the likely impact on heritage significance:

(A concluding statement about the overall positive or negative impact of the proposals on heritage significance.)

Attachments:

(Attach any relevant supporting documentation, such as a Statement of Heritage Significance, NSW Heritage Database form, Conservation Policy or Conservation Management Plan, building condition report, Engineering Assessment or Archaeological Assessment.)

References:

(List any heritage studies, Conservation Management Plans, policies or other relevant document which has been referred to in preparing the Statement.)

4.12.2 Suggested Format for Character Assessments

The following is a suggested format for a Character Assessment which can be completed by the applicant as part of a Development Application. It aims to assist in understanding the potential impact of a proposal on a heritage item or building in a Conservation Area.

Character Assessment for:

(Address and property description of building and its status, ie. Listed heritage item, building in a Conservation Area, in the vicinity of a heritage item)

This assessment forms part of the Development Application for:

(A brief description of the proposal)

Date:

Prepared By:

(Name, address, phone, fax number of author)

How old is the building/s proposed for alteration or additions, and what is known about its history?

(Try to ascertain the age of the building from any documents you may have such as the Land Title, or from the style of the building)

Describe the main architectural features and characteristics of the building.

(List features such as what materials the building is made of, what the roof style is (ie. Hipped, gabled), the style of windows, it has a verandah)

What is around the building or land?

(Describe the buildings that surround it and what they are used for)

Describe what is proposed.

(Outline what alterations are proposed – what will the building be used for if the use is changing. Describe all structural and non-structural alterations required).

Describe what efforts have been made to ensure the changes are sympathetic with the original building.

(List in point form. List also any previous work if appropriate. Outline if the proposal will improve the function of the building. Are the materials, colour and design compatible with the design of the original structure?)

Describe any impact of the proposal on any surrounding developments, and on the character of the locality.

(Outline if the changes are in keeping with the character of the locality. Have you taken into consideration the information in this DCP that relates to the area in which your development is located)

Describe any sympathetic solutions which were considered, but discounted for particular reasons.

(List alternatives such as different materials, colours, etc and outline why these cannot be implemented).

4.13 Preparation of an Engineering Assessment

Preparation of an Engineering Assessment must be undertaken by a suitably qualified Structural Engineer with experience dealing with heritage related matters.

The assessment must address the following matters as a minimum:

- Detailed list of all structural defects or problems identified;
- the likely causes of such defects;
- a comprehensive range of solutions for such defects, where possible;
- the most appropriate solution(s) for the particular case, in the opinion of the consultant;
- where solutions are rejected, the reasons for rejection must be provided and justified.

The basis of investigative work and the final report should be to find feasible methods of repairing the building(s) for adaptive re-use, not to support demolition.

If demolition is recommended, adequate justification by way of explanation of the problems and the difficulties in repairing them must be provided.

4.14 Conservation Policies and Conservation Management Plans

A Conservation Policy looks at the constraints and opportunities arising from a Statement of Heritage Significance. Conservation Policies usually relate to a listed heritage item.

The Policy indicates how changes might be made to an item while still conserving and enhancing its significance. Usually a suitably qualified consultant with experience in heritage related matters will be required to prepare such a policy.

A further step is to prepare implementation or management guidelines for the future care and development of the item. These guidelines can address and contain maintenance plans, suggestions for adaptive re-use and potential for sympathetic alterations and additions.

Together, the Statement of Heritage Significance, Conservation policy and management guidelines form what is known as a Conservation Management Plan.

The Heritage Council will not consider applications for extensive alterations to an item of major heritage significance (ie a State or Regional item or an item covered by an interim or permanent Conservation Order) unless it has already approved a Conservation Management Plan.

The preparation of a Conservation Management Plan need not be an expensive or lengthy exercise. The cost of preparation is often outweighed by the benefits gained through identification of the best opportunities for capitalising on the value of a heritage value of an item, and in obtaining early agreement and approval from authorities and the community to sympathetic changes. More information is available in the NSW Heritage Manual.

The use of a suitably qualified consultant, experienced in heritage related matters, will be required for the preparation of a Conservation Management Plan.

What should go into a Conservation Management Plan?

Typical contents of a conservation management plan include:

Essential:

- a description of the place and its setting
- a statement of the significant heritage values of the place
- an assessment of the condition, management realities, threats, opportunities and other non-heritage issues relevant to conserving the place
- a statement of the conservation principles on which the plan is based
- a conservation policy which includes conservation objectives for the place
- the conservation processes that will be used
- strategies for conservation, with timing, costs and other resources required
- controls on research and other actions that may affect the place
- a list of people responsible for carrying out actions of the plan
- an ongoing maintenance and monitoring plan and who is responsible
- a process and timing for reviewing and updating the plan

Non-essential:

- recommendations for making the significant values understood (interpretation)

4.15 Archaeological Assessments

Much of the information contained in this section is summarised from the document called "Archaeological Assessments" published by the Heritage Office and the Department of Urban Affairs and Planning. More detailed information is available in that document or from the Heritage Office.

An Archaeological Assessment is a predictive study undertaken to:

- evaluate the probable extent, nature and integrity of the archaeological resource at a site;
- determine the significance of that resource;
- define the appropriate management solutions for that resource having regard to significance and statutory requirements.

Applicants must determine from the relevant Requirements for Development Applications section, and through **pre-application consultation** with Council staff, whether an Archaeological Assessment will be required for a particular proposal, and what it should address and contain.

An Archaeological Assessment will be required with a development application for any proposal which will disturb the surface of an Archaeological Site or Potential Archaeological Site.

Initial Assessments

An initial (or baseline) assessment may be required by Council for non-listed sites which are considered likely to contain relics because of their location or use, or where it is unclear whether a development proposal is likely to impact on the archaeological features of a listed site. The initial assessment is a basic overview study to determine whether a particular site warrants further investigation (ie an Archaeological Assessment).

The level of research or investigation required for an initial assessment will vary depending on the nature of the site and the development proposal, but may include:

- a review of available historical information;
- some historical research;
- the identification of historical themes;
- a field survey/site inspection;
- preliminary conclusions about archaeological potential;
- preliminary significance assessment;
- an analysis of client needs and objectives;
- management recommendations including recommendations for further work.

An Initial Assessment can help determine whether or not there is potential for the presence of archaeological resources on a site, and whether further investigation is warranted. If it is considered that there is no potential, no further action may be required. Where potential exists, it is likely that an Archaeological Assessment will be required

Preparation of an Archaeological Assessment

The following process for preparation of an Archaeological Assessment relating to a development proposal is provided as a guideline to be used as a checklist. Not all tasks will be relevant to every site and every project, and the process should be amended to suit the circumstances of the case.

Project initiation

- prepare concept plans for development
- identify any potential impact (if no impact, no further action)
- prepare brief, appoint consultant

Review existing situation and data

- briefing between proponent and archaeologist
- consult previous reports
- consult authorities
- identify management needs

Basic historical research

- review secondary sources
- primary research
- compile key graphic evidence
- outline site history

Physical evaluation

- may occur before historical research
- document existing structures and disturbances
- inspect site for indication of sub-surface features
- evaluate impact of existing structures on earlier features
- examine geo-technical data
- examine information from nearby sites

Synthesis

- collate evidence
- determine likelihood for archaeological features or sites to occur

Assess significance

- use NSW Heritage Manual criteria
- identify themes
- identify research questions
- state significance
- identify graded zones, if appropriate

Identify issues

- obligations arising from significance
- requirements of client – especially impact of proposal
- statutory context
- other matters

Policy development

- prepare succinct policy statement

Recommendations

- indicate appropriate management actions
- identify implementation strategy

Product

- report addressing all of the above

4.16 Willful Neglect or Other Damage to a Heritage Item or Building in a Conservation Area

State Government Provisions

The Heritage Amendment Regulation 1999 was gazetted in March 1999, and amended the Heritage Regulation 1993 to require minimum standards of maintenance and repair to maintain heritage significance.

The provisions relate only to a building, work or relic that is listed or within a precinct that is listed on the State Heritage Register and relate to:

- weather proofing;
- fire protection;
- security; and
- essential maintenance.

They do not require owners to undertake restoration works, but where works are needed owners may apply for financial assistance through the Heritage 2001 funding program.

Where the maintenance and repair standards are not met and the heritage significance of the item is in jeopardy, the Heritage Council has the power to order repairs after consultation with the owner. These orders can be enforced if necessary, and owners prosecuted for failure to comply with an order.

Local Provisions

As discussed in various sections of this DCP, all components of a Conservation Area, including but not limited to listed heritage items, contribute to its character, regardless of whether they are individually significant. It is for this reason that the controls relating to demolition are quite stringent, and will be applied consistently.

Applications for demolition of buildings where there is evidence of intentional neglect or damage are unlikely to be considered favourably.

Where Council is of the opinion that a building, work or relic is unsafe or unhealthy, or poses some other risk to the public, the relevant provisions of the Local Government Act 1993 will be enforced to their fullest extent to ensure that adequate work is undertaken to remove such risk, and to avoid the necessity for demolition of the building, work or relic.

Where additional work is required in relation to:

- weather proofing;
- fire protection;
- security; and
- essential maintenance,

Council will request the owner of the building, work or relic to undertake such work to ensure the ongoing stability and preservation of significant fabric of the item or component. If such work is not undertaken, and particularly where the building work or relic is a listed heritage item and its significance is deemed by Council to be deteriorating due to willful neglect or damage, documentary and photographic evidence will be collected by Council, and used in future assessment of applications relating to the site.

Demolition of a listed heritage item or component of a Conservation Area is considered by Council to be a last resort action, and as stated above, will not be approved where willful neglect or damage can be established.